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PATENT
03-0101(US01)REMARKS

Claims 1-5, 7-15, 20-28, 30-33, 35-38, 42-44, and 47-59 remain pending in this application, all of which stand rejected. As an initial matter, Applicant graciously thanks the Examiner for granting the interview on October 19, 2006. Based on the discussions that took place during this interview, and the following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §102

Claims 1, 2, 4-7, 21-29, 31-33, 35-38, 42-44, and 47-59 stand rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent Publication No. 2002/0111618 to Stewart, et al. ("Stewart"). Applicant respectfully traverses this rejection, since Stewart does not disclose each and every element required by these claims.

As an initial matter, claim 42 has been amended to correct an erroneous dependency, and dependent claims 2 and 9 have been amended to include different features, which Applicant believes further distinguishes Stewart.

Independent claim 1 requires the ablative structure to be configured for engaging a portion of a pulmonary vein just distal to the ostium of the pulmonary vein, so that the one or more ablative elements are arranged to create a circumferential lesion within the pulmonary vein. Independent claims 27 and 37 require the one or more ablative elements to be circumferentially arranged within the vessel. In contrast, the ablative helical structure 420 of the Stewart embodiment is not disclosed as being configured or used for placing ablative elements within the pulmonary vein. Rather, the ablative elements are circumferentially disposed around the ostium of the pulmonary vein (see Fig. 17D). Indeed, Stewart specifically states that the "distal portion 420 is pressed against the tissue wall

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such that the helix formed in or by the distal portion 420 compresses onto itself and the loop formed by the ablation section 422 is in complete contact with the chamber wall about the pulmonary vein ostium PVO." (see paragraph [159] of Stewart). In addition, since claims 27 and 37 recite method steps, in order to anticipate these claims, Stewart must explicitly disclose all of the recited steps, which it does not.

Independent claim 21 requires the helical structure to have at least two coils configured for contacting tissue within an anatomical vessel, and the diagnostic structure to have at least one curved section configured for contacting the tissue between the two coils. In contrast, no coil of the helical structure 420 of the Stewart embodiment is disclosed as being configured for contacting tissue within the pulmonary vein, and any inner probe body disclosed as being used with the helical structure does not have a curved section configured for contacting the tissue between two coils of the helical structure.

Thus, Applicant submits that independent claims 1, 21, 27, and 37, as well as the claims depending therefrom (2, 4-7, 22-26, 28, 29, 31-33, 35, 36, 38, 42-44, and 47-59), are not anticipated by Stewart, and as such, respectfully request withdrawal of the §102 rejections of these claims.

Claim Rejections-35 U.S.C. §103

Claims 8, 9, 11, 12, 14-20, and 30 stand rejected under 35 U.S.C. §103, as being obvious over Stewart in view of either U.S. Patent Publication No. 2004/0024425 to Worley, et al. ("Worley") or U.S. Patent No. 5,549,109 issued to Samson, et al. ("Samson"). Applicant respectfully traverses this rejection, since no proper combination of Stewart, Worley, and Samson, discloses, teaches, or suggests the combination of elements required by these claims.

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In particular, in a similar manner described above with respect to independent claim 1, independent claim 8 requires the ablative structure to be configured for engaging a portion of a pulmonary vein just distal to the ostium of the pulmonary vein, so that the one or more ablative elements are arranged to create a circumferential lesion within the pulmonary vein. As discussed above, Stewart does not disclose a distal ablative structure configured or used for placing ablative elements or coils within the vessel, as required by independent claims 8 and 27 from which claims 9, 11, 12, 14-20, and 30 depend, and Worley and Samson do not supplement this failed teaching.

Thus, Applicant submits that claims 8, 9, 11, 12, 14-20, and 30 are not obvious over any combination of Stewart, Worley, and Samson, and as such, respectfully request withdrawal of the §103 rejections of these claims.

Conclusion

Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

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